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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,921	02/03/2004	Frederic Dominioni	3079/206	9768

7590 03/18/2005

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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GROUP 3600

<b>Office Action Summary</b>	<b>Application No.</b> 10/769,921	<b>Applicant(s)</b> DOMINIONI, FREDERIC	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-16 are objected to because of the following informalities: In claims 1 and 9, line 7, "it" should be "said box" to make it clear that the applicant is referring to the box.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, lines 3-4 and claim 13, line 4, there is no antecedent basis for "said sensor".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,5,7,9,10,13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Matthias et al. (U.S. Patent No. 5,211,469).

In regard to claims 1,2,5, and 7, Shroyer shows in figures 1-4 a display frame comprising an inner frame member (42,42,42,42) provided thereon with a window (an opening is formed by the four elements 42 which form the frame member), an outer frame member (12) mounted on an external periphery of the inner frame member, and a box (10) connected to the rear side of the

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inner frame member and being openable and closable, the box has an opening on a front side thereof, the opening is communicated with the window of the inner frame member, the box is adapted for placing therein an object to be displayed. Shroyer does not disclose attaching light sources to the box. Matthias et al. shows in figure 1 the idea of attaching light sources (20) to an aquarium type display. In view of the teachings of Matthias et al. it would have been obvious to one in the art to modify Shroyer by attaching light sources to the box since this would create a more amusing and attention attracting display during low light conditions. In regard to claim 2, Shroyer shows in figures 3 and 4 a shelf (the dock upon which the fisherman is sitting). In regard to claim 5, Matthias et al. discloses the use of switch (50) for turning the lights on and off. In regard to claim 7, Matthias et al. discloses the idea of making the light sources in the form of LED's, see column 4, lines 9-20. In regard to claims 9,10,13, and 15, Shroyer shows in figures 1-4 a display frame comprising an inner frame member (12) provided thereon with a window, and a box (10) connected to the rear side of the inner frame member and being openable and closable, the box has an opening on a front side thereof, the opening is communicated with the window of the inner frame member, the box is adapted for placing therein an object to be displayed. Shroyer does not disclose attaching light sources to the box. Matthias et al. shows in figure 1 the idea of attaching light sources to an aquarium type display. In view of the teachings of Matthias et al. it would have been obvious to one in the art to modify Shroyer by attaching light sources to the box since this would create a more amusing and attention attracting display during low light conditions. In regard to claim 10, Shroyer shows in figures 3 and 4 a shelf (the dock upon which the fisherman is sitting). In regard to claim 13, Matthias et al. discloses the use

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of switch (50) for turning the lights on and off. In regard to claim 15, Matthias et al. discloses the idea of making the light sources in the form of LED's, see column 4, lines 9-20.

Claims 1,2,5,8,9,10,13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Ward et al. (U.S. Patent No. 4,413,436).

In regard to claims 1,2,5, and 8, Shroyer shows in figures 1-4 a display frame comprising an inner frame member (42,42,42,42) provided thereon with a window (an opening is formed by the four elements 42 which form the frame member), an outer frame member (12) mounted on an external periphery of the inner frame member, and a box (10) connected to the rear side of the inner frame member and being openable and closable, the box has an opening on a front side thereof, the opening is communicated with the window of the inner frame member, the box is adapted for placing therein an object to be displayed. Shroyer does not disclose attaching light sources to the box. Ward shows in figures 1-5 the idea of attaching light sources (37) to an aquarium type display. In view of the teachings of Ward it would have been obvious to one in the art to modify Shroyer by attaching light sources to the box since this would create a more amusing and attention attracting display during low light conditions. In regard to claim 2, Shroyer shows in figures 3 and 4 a shelf (the dock upon which the fisherman is sitting). In regard to claim 5, the examiner takes official notice that it is known to attach a switch to light sources in order to turn the lights on and off. It would have been obvious to one in the art to modify Shroyer in view of Ward to attach a switch to the device in order to turn the lights on and off since this would allow the lights to be turned on and off in an easier manner. In regard to claim 8, the light sources (37) of Ward are considered to be "common light bulbs". In regard to

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claims 9,10,13, and 16, Shroyer shows in figures 1-4 a display frame comprising an inner frame member (12) provided thereon with a window, and a box (10) connected to the rear side of the inner frame member and being openable and closable, the box has an opening on a front side thereof, the opening is communicated with the window of the inner frame member, the box is adapted for placing therein an object to be displayed. Shroyer does not disclose attaching light sources to the box. Ward shows in figures 1-5 the idea of attaching light sources (37) to an aquarium type display. In view of the teachings of Ward it would have been obvious to one in the art to modify Shroyer by attaching light sources to the box since this would create a more amusing and attention attracting display during low light conditions. In regard to claim 10, Shroyer shows in figures 3 and 4 a shelf (the dock upon which the fisherman is sitting). In regard to claim 13, the examiner takes official notice that it is known to attach a switch to light sources in order to turn the lights on and off. It would have been obvious to one in the art to modify Shroyer in view of Ward to attach a switch to the device in order to turn the lights on and off since this would allow the lights to be turned on and off in an easier manner. In regard to claim 16, the light sources (37) of Ward are considered to be "common light bulbs".

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Matthias et al. (U.S. Patent No. 5,211,469) as applied to claims 2 and 10 above and further in view of Roehrick (U.S. Patent No. 4,081,666).

Shroyer in view of Matthias et al. disclose the applicant's basic inventive concept except for attaching a transparent shelf to the box. Roehrick shows in figure 2 a transparent shelf (see column 2, lines 15-18) upon which an object can be placed. In view of the teachings of Roehrick

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it would have been obvious to one in the art to modify Shroyer by attaching a transparent shelf to the box since this would allow a lighted object to be placed on the shelf and allow light from the object to illuminate the area below the shelf to create a more amusing and attention attracting display.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Ward et al. (U.S. Patent No. 4,413,436) as applied to claims 2 and 10 above and further in view of Roehrick (U.S. Patent No. 4,081,666).

Shroyer in view of Ward et al. disclose the applicant's basic inventive concept except for attaching a transparent shelf to the box. Roehrick shows in figure 2 a transparent shelf (see column 2, lines 15-18) upon which an object can be placed. In view of the teachings of Roehrick it would have been obvious to one in the art to modify Shroyer by attaching a transparent shelf to the box since this would allow a lighted object to be placed on the shelf and allow light from the object to illuminate the area below the shelf to create a more amusing and attention attracting display.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Matthias et al. (U.S. Patent No. 5,211,469) as applied to claims 1 and 9 above and further in view of Privas et al. (U.S. Patent No. 6,390,648).

Shroyer in view of Matthias et al. disclose the applicant's basic inventive concept except for attaching a sensor to the frame. Privas et al. shows in figures 1-15 a display that includes a sensor (26) for turning lights on upon sensing a person adjacent to the display and for turning the

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lights off after a person leaves the area adjacent to the display. In view of the teachings of Privas et al. it would have been obvious to one in the art to modify Shroyer by attaching a sensor to the display device since this would allow the lights to be turned on and off automatically and would create a more amusing and eye-catching display.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Ward et al. (U.S. Patent No. 4,413,436) as applied to claims 1 and 9 above and further in view of Privas et al. (U.S. Patent No. 6,390,648).

Shroyer in view of Ward et al. disclose the applicant's basic inventive concept except for attaching a sensor to the frame. Privas et al. shows in figures 1-15 a display that includes a sensor (26) for turning lights on upon sensing a person adjacent to the display and for turning the lights off after a person leaves the area adjacent to the display. In view of the teachings of Privas et al. it would have been obvious to one in the art to modify Shroyer by attaching a sensor to the display device since this would allow the lights to be turned on and off automatically and would create a more amusing and eye-catching display.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Matthias et al. (U.S. Patent No. 5,211,469) as applied to claims 1 and 9 above and further in view of Hargabus (U.S. Patent No. 6,709,339).

Shroyer in view of Matthias et al. disclose the applicant's basic inventive concept except for forming the hinge from pivot bearings and pivot bolts and providing magnets and metal blocks for securing the box to the inner frame. Shroyer discloses the use of a piano type hinge (44) to



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pivotally attach the box to the inner frame. It would have been an obvious matter of design choice to replace the piano type hinge with the pivot bearings and pivot bolts since the applicant fails to define any advantage to using pivot bearings and pivot bolts and the piano hinge taught by Shroyer would work equally as well. Hargabus shows in figure 2 the idea of placing a magnet (30A) on a door and a magnet (30B) on a box in order to allow the door to be fixed to the box. In view of the teachings of Hargabus it would have been obvious to one in the art to modify Shroyer by attaching a magnet to the box and a magnet to the inner frame since this would allow the box and inner frame to fixed together which would help to prevent the box and inner frame from separating unintentionally. The use of one magnet and one steel plate instead of two magnets is well known and both methods are considered to be obvious equivalents. The use of multiple magnets and steel plates would have been obvious since this would allow the box and inner frame to be held together in a more secure manner.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shroyer (U.S. Patent No. 4,353,327) in view of Ward et al. (U.S. Patent No. 4,413,436) as applied to claims 1 and 9 above and further in view of Hargabus (U.S. Patent No. 6,709,339).

Shroyer in view of Ward et al. disclose the applicant's basic inventive concept except for forming the hinge from pivot bearings and pivot bolts and providing magnets and metal blocks for securing the box to the inner frame. Shroyer discloses the use of a piano type hinge (44) to pivotally attach the box to the inner frame. It would have been an obvious matter of design choice to replace the piano type hinge with the pivot bearings and pivot bolts since the applicant fails to define any advantage to using pivot bearings and pivot bolts and the piano hinge taught

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by Shroyer would work equally as well. Hargabus shows in figure 2 the idea of placing a magnet (30A) on a door and a magnet (30B) on a box in order to allow the door to be fixed to the box.

In view of the teachings of Hargabus it would have been obvious to one in the art to modify Shroyer by attaching a magnet to the box and a magnet to the inner frame since this would allow the box and inner frame to fixed together which would help to prevent the box and inner frame from separating unintentionally. The use of one magnet and one steel plate instead of two magnets is well known and both methods are considered to be obvious equivalents. The use of multiple magnets and steel plates would have been obvious since this would allow the box and inner frame to be held together in a more secure manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
March 14, 2005

<b>Notice of References Cited</b>	Application/Control No. 10/769,921	Applicant(s)/Patent Under Reexamination DOMINIONI, FREDERIC	
	Examiner Brian K. Green	Art Unit 3611	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,081,666	03-1978	Roehrick, Otto Adolf	362/253
	B	US-4,353,327	10-1982	Shroyer, Ronald G.	119/257
	C	US-4,413,436	11-1983	Ward et al.	40/406
	D	US-5,211,469	05-1993	Matthias et al.	362/101
	E	US-6,390,648	05-2002	Privas et al.	362/276
	F	US-6,709,339	03-2004	Hargabus, Patrick A.	472/63
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

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	N					
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**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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